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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,406	01/31/2001	Phuoc M. Thai	68529 (7114)	8058
22242	7590	09/21/2005	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/773,406	THAI, PHUOC M.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2, 5-8,10-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (5,999,691) in view of Haraguchi et al (5,450,139).

Regarding claims 1 and 12, Takagi discloses an RF passthrough system (Figure 1) for a digital network recorder comprising:

a digital video decoder (4) of the digital network recorder that continuously records an input television signal to a memory (30) and continuously decodes and plays the input television signal having been recorded (column 8, lines 5-36 column 10, lines 1-22 , column 20, lines 18-22); and

means selectively outputting the input television signal television or the output video signal from the digital video decoder, wherein the output video signal comprises the input television signal having been previously recorded and decoded.

Takagi fails to a control means for monitoring the output signal and outputting the input television signal in the event that there is no output video signal from the recorder. Haraguchi teaches an apparatus having means for storing the video in a memory and a control means for selecting a video signal of other video path in the event that there is no output video signal from the memory (column 2, lines 33-

42) . It would have been obvious to one of ordinary skill in the art to modify Takagi with Haraguchi by providing Takagi with a control means as taught by Haraguchi thereby enhancing the capacity of the Takagi apparatus to provide the input video signals to the monitor in the event that there is no output signal from the memory supplied to the decoder .

Method claim 8 corresponds to apparatus claims 1 . Therefore method claim 8 is rejected by the same reasons as applied to apparatus claim 1.

Regarding claim 2, Takagi further teaches input television signal comprises a broadcast analog television signal received from a tuner (column 8).

Regarding claims 5 and 10, Takagi as modified with Haraguchi further teaches the outputting step comprises outputting the input television signal to television, the event there an operating system failure the digital network recorder such that the digital network recorder is unable produce the output video signal (See Takagi, Fig. 1, column 8 lines 28-36, Haraguchi (column 2, lines 33- 42).

Regarding claim 6, Takagi as modified with Haraguchi teaches receiving the input television signal into the digital network recorder (See Takagi, column 8, Fig. 1).

Regarding claims 7 and 11, Takagi as modified with Haraguchi further teaches outputting the output video signal to the television (10), in the event the output video signal is output from the digital video decoder (see Takagi Fig. 1, column 8, Haraguchi (column 2, lines 33- 42).

Regarding claim 13 , Takagi further teaches a digital video encoder (2) coupled to the memory for receiving the input television signal and encoding the input television signal as the digital data (Fig. 1, column 36, lines 30-35)).

Regarding claim 14, Takagi inherently teaches using an A/D converter for converting the analog signal from tuner to digital signal prior to encoding since it is required to digital compressing .

Regarding claim 15 inherently Takagi teaches a D/A converter for converting the decoded signal into an analog signal since it is required for displaying the signal on a television.

Regarding claim 20 , Takagi teaches the memory is a hard disk (column 8, lines 54-57).

Regarding claim 21, Takagi further teaches a media switch (selecting channel , recording and playing the signal on and from the memory) .

3. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (5,999,691) in view of Haraguchi et al (5,450,139) as applied to claim 1 and 12 above , further in view of Sasaki et al (6,226,447).

Regarding claims 3 and 19, Takagi fails to specifically teach that the decoder is a MPEG decoder . However, it is noted that using a MPEG decoder for decoding a MPEG encoded video signal is well known in the art as taught by Sasaki (Fig. 1, column 6). It would have been obvious to one of ordinary skill in the art to modify Takagi with Sasaki by using a MPEG decoder as an alternative to the expansion

means of Takagi in the event that the input video signal is MPEG encoded by a MPG encoder.

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (5,999,691) in view of Haraguchi et al (5,450,139) as applied to claims 1 and 8 above , further in view of Chimoto (5,83,383).

Chimoto teaches an apparatus having means for outputting signal from a tuner when the system is in a booting state (column 39 lines 1-20, Fig. 34) .

It would have been obvious to one of ordinary skill in the art to modify Takagi with Chimoto by using a control means as taught by Chimoto with the apparatus of Takagi for outputting the input signal when the system is in a booting state thereby enhancing the function of the apparatus of Takagi for providing the input video signals to the monitor in the event that there is no output signal from the memory supplied to the decoder and monitor .

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (5,999,691) in view of Haraguchi et al (5,450,139) as applied to claim 12 above , further in view of Johnson et al (4,679,085).

Regarding claims 16 and 17, Takagi fails to specifically teach that the switch is an embedded chip comprising a programmable read only memory chip.

Johnson teaches an apparatus having a switch comprising a programmable read only memory chip (column 8, lines 8-20), . It would have been obvious to one of ordinary skill in the art to modify Takagi with Johnson by using a programmable switch as taught by Johnson with the apparatus of Takagi for switching the input and output signals in accordance with a preset condition therefore accurately selecting the signal to be forwarded to the television .

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (5,999,691) in view of Haraguchi et al (5,450,139) as applied to claim 12 above , further in view of Thomas et al (4,103,847).

Regarding claim 18, Takagi fails to specifically teach that the switch comprises a field effect transistor for passing television signals. However, it is noted that using a field effect transistor as a switch for passing a signal is well known in the art and textbook . in the art and textbook . For example , Thomas teaches an apparatus using a field effect transistor as a switch for passing a video signal (column 6, lines 25-40) .

It would have been obvious to one of ordinary skill in the art to modify Takagi with Thomas by using a field effect transistor as an alternative to the switch of Takagi for passing the television signals .

Response to Arguments

7. Applicant's arguments filed 06 July 2005 have been fully considered but they are not persuasive.

Applicant argues that " the teaching of Haraguchi is in context of a broadcast transmission device , not a television receiver ". In response, it is noted that Takagi ,the primary reference, teaches a television receiver .

Applicant argues that the proposed combination would not teach or suggest "monitoring the output signal and outputting the input signal television signal in the event there is no output video signal form the recorder . In response, the combination of Takagi and Haraguchi will teach "monitoring the output signal and outputting the input signal television signal in the event there is no output video signal form the recorder. Takagi teaches switching from a recorder to a input television signal and Haraguchi teaches switching from storage deice to other input when there is no output from the storage device. The combination of Takagi and Haraguchi will enhancing the capacity of the apparatus of Takagi as to provide the apparatus of Takagi with additional functions to monitor and switch from the recorder to the input television signal in the event that there is no output from the recorder during the video signal is being read from the recorder .

Applicant argues that "Takagi would teach away from the proposed combination . If Takagi were modified as suggested ... the user would miss at least a portion of the program when the displayed video signal skips from the recorded programming back to the real time broadcast , i.e. the user would not watch an entire television program" . In response , it is noted that applicant argument do not reflect the claims since the claims do not recite the features as argued by applicant .

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER